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Board of Vocational Nursing  
and Psychiatric Technicians

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BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2004-1109

AMY MARIE CHAMBERS, AKA AMY  
MARIE PALMER, AKA AMY  
CHAMBERS, AKA AMY MARIE SMITH  
32477 Avenue E  
Yucaipa, CA 92399  
Licensed Vocational Nurse No. VN 188447

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about May 26, 1999, the Board of Vocational Nursing and Psychiatric (Board) Technicians issued Licensed Vocational Nurse Number VN 188447 to Amy Marie Chambers, aka Amy Marie Palmer, aka Amy Chambers, aka Amy Marie Smith (Respondent). The Licensed Vocational Nurse expired on October 31, 2008, and has not been renewed. Respondent currently holds Registered Nurse Number RN 706375 which was issued July 5, 2007 and will expire on October 31, 2012.

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1       "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
2 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
3 administer to another, any controlled substance as defined in Division 10 of the Health and Safety  
4 Code, or any dangerous drug as defined in Section 4022.

5       "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,  
6 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a  
7 manner dangerous or injurious to himself or herself, any other person, or the public, or to the  
8 extent that the use impairs his or her ability to conduct with safety to the public the practice  
9 authorized by his or her license.

10       ...

11       "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
12 hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in  
13 subdivision (b)."

#### 14                                   REGULATORY PROVISIONS

15       8.       California Code of Regulations, title 16, section 2518.6(a) states:

16       "A licensed vocational nurse shall safeguard patients'/clients' health and safety by actions  
17 that include but are not limited to the following:

18       ...

19       (2) Documenting patient/client care in accordance with standards of the profession.

20       9.       California Code of Regulations, title 16, section 2518.6(b) states:

21       "A licensed vocational nurse shall adhere to standards of the profession and shall  
22 incorporate ethical and behavioral standards of professional practice which include but are not  
23 limited to the following:  
24

25       ...

26       (4) Abstaining from chemical/substance abuse.

27       10.       California Code of Regulations, title 16, section 2521 states:  
28

1 ...

2 “(c ) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
3 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the  
4 Business and Professions Code;

5 ...

6 “(f) Any crime or act involving the sale, gift, administration, or furnishing of “narcotics or  
7 dangerous drugs or dangerous devices” as defined in Section 4022 of the Business and  
8 Professions Code.”

### 10 COST RECOVERY

11 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licentiate found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case.

### 16 FIRST CAUSE FOR DISCIPLINE

17 (Illegal Possession, Prescribing, Self-Administering of Controlled Substances)

18 12. Respondent is subject to disciplinary action under section 2878.5(a) of the Code in  
19 that on or about December 26, 2004, while employed by Nursefinders, Respondent was assigned  
20 to work at Community Hospital of San Bernardino (“Community”) in the Emergency  
21 Department. While on duty at Community, she diverted controlled substances from the Pyxis  
22 machine in the Emergency Department. Respondent removed all Vicodin<sup>1</sup> tablets on December  
23 26, 2004, between 9:13 a.m. and 7:46 p.m. from the Pyxis machine<sup>2</sup>. Subsequently, Specific

24 <sup>1</sup> Vicodin is a trademarked brand narcotic analgesic product and is used to relieve  
25 moderate to severe pain. Vicodin is very effective, but can become addicting.

26 <sup>2</sup> The Pyxis machine is a medication dispensing machine used in hospitals. The pharmacy,  
27 usually within the hospital, will fill and maintain the medications in the machine and when a  
28 nurse or other qualified member needs a certain medication, they can log into the computer  
connected with the block of small drawers and get the med they need. When the nurse needs, say  
Lidocain, they log in and the computer causes the drawer that has Lidocain in it to open, she takes  
what she needs and closes the drawer.

1 Activity Reports were run, patients charts were reviewed based on the findings of the Anomalous  
2 Usage Report. The Vicodin removed from Pyxis were inconsistent with the amount of the  
3 physician's order sheet. Respondent falsified, or made grossly incorrect, grossly inconsistent, or  
4 unintelligible entries in four (4) patient's records, or other records pertaining to narcotics or  
5 dangerous drugs, including but not limited to Vicodin, Dilaudid, Phenergan, and Morphine.  
6 Respondent's employment with Nursefinders was terminated after this incident and subsequently  
7 Respondent started working for Redland Community Hospital.

8 13. On or about November 1, 2003, Respondent worked as a vocational nurse at Desert  
9 Regional Medical Center ("Desert Regional") emergency room and she had been injecting herself  
10 with Demerol and, at times, with Fentanyl<sup>3</sup> injections. Respondent had a history of taking  
11 Demerol injections and also Vicodin. On or about November 1, 2003, Respondent was admitted  
12 to Loma Linda University Behavioral Medicine Center ("Loma Linda") recovery program for  
13 treatment of opiate abuse and dependence. She was detoxed<sup>4</sup>, however, Respondent relapsed  
14 after two (2) days. On November 27, 2003, she took 250 mg of Demerol while at work and  
15 suddenly developed a seizure and was unresponsive. Respondent was rushed to the emergency  
16 room, was intubated<sup>5</sup> and admitted to the ICU<sup>6</sup> and was hospitalized for three (3) days. She was  
17 discharged on Sunday November 30, 2003, however, she took ten (10) ounces of Vicodin syrup  
18 on Sunday and, on Monday December 1, 2003, she took another ten (10) ounces of Vicodin  
19 syrup. On December 3, 2003, Respondent was re-admitted to Loma Linda for her opiate  
20 addiction. On or about December 3, 2003, Respondent admitted to the medical staff at Loma  
21 Linda that she was diverting drugs from her employment, Desert Regional, for the prior six (6)  
22 months but was never caught.

23 14. On or about September 3, 2004, while assigned to work at Desert Regional, during  
24 and following a drug rehabilitation<sup>7</sup>, Respondent agreed not to abuse prescription drugs or divert,

25 <sup>3</sup> Fentanyl is a powerful synthetic opiate analgesic similar to but more potent than  
26 morphine.

27 <sup>4</sup> Treatment for alcohol or drug dependency.

28 <sup>5</sup> To insert a tube into a hollow organ or body passage.

<sup>6</sup> Intensive Care Unit

<sup>7</sup> for a period of one (1) year

1 use, possess, dispense with any performance drugs, and if she abused prescription drugs or  
2 diverted, used, possessed or dispensed any performance impairing drugs, whether during or after  
3 the one-year period, she would be terminated without any advanced notice from Desert Regional.  
4 Further, Respondent consented to undergo drug and/or alcohol tests and searches of her personal  
5 property as well as Dessert Regional property, on a random basis and without notice. Respondent  
6 agreed that if she refused to undergo the tests and searches, or if the tests reveal any drugs in their  
7 system, she would be terminated. Respondent received prior chemical dependency treatments on  
8 or about 2003 and 1996 for opiates<sup>8</sup> dependency.

9 15. On or about November 28, 2005 Respondent worked as a vocational nurse at Redland  
10 Community Hospital ("Redland"). She voluntarily entered a drug and alcohol rehabilitation  
11 program as an outpatient on or about November 28, 2005, at Loma Linda University Behavioral  
12 Medicine Center ("Loma Linda"), at the Chemical Dependency Unit. While there, she admitted  
13 to the medical staff at Loma Linda that was using Vicodin<sup>9</sup> and other addictive prescriptive  
14 medications and stated "[I] was taking whatever I could get from work<sup>10</sup>, Vicodin, Demerol<sup>11</sup>,  
15 Dilaudid<sup>12</sup>." On or about November 30, 2005 Respondent reported her concerns to the medical  
16 staff at Loma Linda that she may not be able to go back to nursing due to her "easy access to  
17 drugs." Furthermore, she admitted to the medical staff at Loma Linda that she had been caught  
18 diverting drugs from her previous employment, Desert Regional. On January 10, 2007,  
19 Respondent voluntarily gave her written declaration to the investigator for the State of California,  
20 Department of Consumer Affair, under penalty of perjury, stating "[I] have come to realize that I  
21 suffer from the disease of addiction."

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24 <sup>8</sup> Opiates are made from opium. Heroin is another example of an opiate, but it is not used  
25 as a medicine.

26 <sup>9</sup> Respondent admitted using 30-60 tablets each day on or about November 10, 2005,  
27 November 11, 2005 and on November 17, 2005.

28 <sup>10</sup> Redland Community Hospital

<sup>11</sup> Demerol is used to relieve moderate to severe pain. Meperidine is in a class of  
medications called narcotic analgesics, a group of pain medications similar to morphine.

<sup>12</sup> Dilaudid is used to relieve moderate to severe pain.

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1 from the Pyxis machine in the Emergency Department. Respondent falsified, or make grossly  
2 incorrect, grossly inconsistent, or unintelligible entries in four (4) patient's records, or other  
3 records pertaining to narcotics or dangerous drugs, including but not limited to Vicodin, Dilaudid,  
4 Phenergan, and Morphine. Complainant refers to and by this reference incorporates the  
5 allegations set forth above in paragraphs 12-15, inclusive, as though set forth fully.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 (Failure to Document Care in Accordance with Standards)

8 20. Respondent is subject to disciplinary action under section 2518.6(a)(2) of the  
9 California Code of Regulations in that on or about December 26, 2004, while on duty at  
10 Community, she diverted controlled substances from the Pyxis machine in the Emergency  
11 Department. Respondent falsified, or make grossly incorrect, grossly inconsistent, or  
12 unintelligible entries in four (4) patient's records, or other records pertaining to narcotics or  
13 dangerous drugs, including but not limited to Vicodin, Dilaudid, Phenergan, and Morphine.  
14 Complainant refers to and by this reference incorporates the allegations set forth above in  
15 paragraphs 12-15, inclusive, as though set forth fully.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 (Failure To Abstain From Chemical/Substance Abuse)

18 21. Respondent is subject to disciplinary action under section 2518.6(b)(4) of the  
19 California Code of Regulations in that on or about December 26, 2004, while on duty at  
20 Community, she diverted controlled substances from the Pyxis machine in the Emergency  
21 Department. Complainant refers to and by this reference incorporates the allegations set forth  
22 above in paragraphs 12-15, inclusive, as though set forth fully.

23  
24 **EIGHTH CAUSE FOR DISCIPLINE**

25 (Commission of Acts/Crimes Substantially Related to Licensure)

26 22. Respondent is subject to disciplinary action under section 2521(c) & (f) of the  
27 California Code of Regulations in that on or about December 26, 2004, while on duty at  
28 Community, she diverted controlled substances from the Pyxis machine in the Emergency



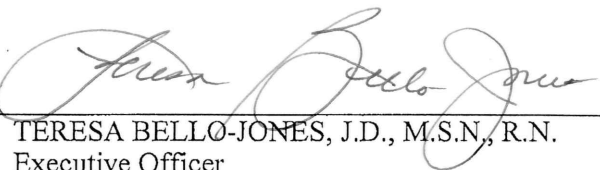
1 Department. Respondent falsified, or make grossly incorrect, grossly inconsistent, or  
2 unintelligible entries in four (4) patient's records, or other records pertaining to narcotics or  
3 dangerous drugs, including but not limited to Vicodin, Dilaudid, Phenergan, and Morphine.  
4 Complainant refers to and by this reference incorporates the allegations set forth above in  
5 paragraphs 12-15, inclusive, as though set forth fully.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
8 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
9 issue a decision:

- 10 1. Revoking or suspending Licensed Vocational Nurse Number VN 188447, issued to  
11 Amy Marie Chambers, aka Amy Marie Palmer, aka Amy Chambers, aka Amy Marie Smith  
12 2. Ordering Amy Marie Chambers to pay the Board of Vocational Nursing and  
13 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
14 pursuant to Business and Professions Code section 125.3;  
15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: June 27, 2011

18 

19 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
20 Executive Officer  
21 Board of Vocational Nursing and Psychiatric Technicians  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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26 accusation.rtf  
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